



CONSTITUTIONAL LAW
COURSE MATERIALS

VOLUME II

Carol Rogerson

Katherine E. Swinton

1987-88

Toronto

Faculty of Law

University of Toronto

1987

Prepared with the assistance of Rodger Madden

LAW LIBRARY

SEP 9 1987

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

CONSTITUTIONAL LAW

COURSE MATERIALS

VOLUME II

Carol Rogerson

Katherine E. Swinton

1987-88

Toronto

Faculty of Law

University of Toronto

1987

Prepared with the assistance of Rodger Madden



Digitized by the Internet Archive
in 2019 with funding from
University of Toronto

<https://archive.org/details/constitutionalla02roge>

TABLE OF CONTENTS

IV THE DISTRIBUTION OF POWERS: SELECTED PROBLEMS

2. Economic Regulation

(a) Federal Powers of Economic Regulation: Trade and Commerce and Criminal Law

(i) Introduction

| | |
|------|-----|
| Note | 303 |
|------|-----|

(ii) The Privy Council and Federal Economic Regulation

| | |
|---|-----|
| Citizens Insurance Co. v. Parsons | 303 |
| King v. Eastern Terminal Elevator | 305 |
| Note, "The American Commerce Clause" | 316 |
| Note, 'The Wheat Economy Before the Depression' | 317 |
| Board of Commerce | 223 |
| Reference re Dairy Industry Act | 319 |

(iii) Modern Trade and Commerce Doctrine: Interprovincial and International Trade

| | |
|------------------------------|-----|
| The Queen v. Klassen | 323 |
| Caloil Inc. v. A.-G. Canada | 329 |
| Dominion Stores v. The Queen | 331 |

(iv) Modern Trade and Commerce Doctrine: General Regulation of Trade

| | |
|---|-----|
| MacDonald v. Vapour Canada | 342 |
| Labatt Breweries v. A.-G. Canada | 354 |
| A.-G. Canada v. C.N. Transport | 371 |
| Whyte, "Constitutional Aspects of the Constitution's Economic Powers" | 394 |

| | |
|------------------------|-----|
| <u>Review Problems</u> | 396 |
|------------------------|-----|

| | |
|----------------------------|-----|
| <u>Reference Materials</u> | 397 |
|----------------------------|-----|

(b) Provincial Regulation of Commerce

| | |
|---|-----|
| <u>Carnation v. Quebec Agricultural Marketing Board</u> | 398 |
| <u>A.-G. Manitoba v. Manitoba Egg and Poultry Association</u> | 403 |
| Note, "Marketing Boards" | 417 |
| Weiler, "The Supreme Court of Canada and Canadian Federalism" | 419 |
| Benson, "The Supreme Court and the Commerce Clause" | 423 |
| MacDonald Commission, "Justification for Barriers" | 427 |
| <u>Reference re Agricultural Products Marketing Act</u> | 429 |
| <u>CIGOL v. Gov't of Saskatchewan</u> | 435 |
| <u>Central Canada Potash v. Gov't of Saskatchewan</u> | 442 |

3. Regulation of Public Order and Morality

| | |
|---|-----|
| <u>Re Nova Scotia Board of Censors and McNeil</u> | 449 |
| <u>A.-G. Canada v. Dupond</u> | 460 |
| <u>Schneider v. The Queen</u> | 470 |
| <u>Westendorp v. The Queen</u> | 476 |
| <u>Scowby v. Glendenning</u> | 483 |
| <u>Review Problem</u> | 492 |

4. Administration of Justice

(a) Section 96 Courts

| | |
|---|-----|
| <u>Tomko v. N.S. Labour Relations Board</u> | 494 |
| <u>Reference re Residential Tenancies Act</u> | 500 |
| <u>Crevier v. A.-G. Quebec</u> | 512 |
| <u>McEvoy v. A.-G. (New Brunswick)</u> | 518 |
| <u>Beauregard v. The Queen</u> | 523 |

| | |
|-------------------|-----|
| <u>References</u> | 534 |
|-------------------|-----|

5. An Evaluation of Judicial Review

| | |
|---|-----|
| Monahan, "At Doctrine's Twilight: The Structure of Canadian Federalism" | 535 |
|---|-----|